

PLANO CITY COUNCIL
April 25, 2005

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Steve Stovall
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
John Gilliam, First Assistant City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the Preliminary Open Meeting directly into the Regular Session on Monday, April 25, 2005, at 7:15 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Barry Gin of the Plano Chinese Alliance Church.

The Pledge of Allegiance was led by Cub Scout Pack 252 of Faith Lutheran School of Plano.

Nancy Hogge, citizen of the City, made a special presentation to Council Members Stovall and Dyer. Mayor Evans recognized Jasper High School Students who were Academic WorldQuest Participants and read proclamations for Asian Heritage Week – 2005, National Wildflower Week and Motorcycle Safety and Awareness Month – May, 2005.

Mayor Evans administered an oath of office to North Texas Municipal Water District Board member Jerry E. Yancey.

The Council resumed discussion of the Preliminary Open Meeting Agenda.

Discussion and Direction Regarding Membership of the Plano Transition and Revitalization Commission

Council Member Johnson spoke to the difficulty experienced in locating someone to serve on the board who has City of Plano Planning and Zoning Commission experience. He stated concern that the committee is operating short handed and requested amendment to this requirement. Council Member Callison spoke to one of the current members, who fulfills another requirement, also having Planning and Zoning Commission experience, but stated that as written, the ordinance requires two individuals.

Mayor Pro Tem Stahel spoke to changing the word “shall” to “may” to allow flexibility in the appointment of someone from the Chamber of Commerce, Economic Development Board and Community Relations Commission in addition to the Planning and Zoning Commission. He spoke to the formation of the committee and the need for various skills at that time. Mayor Evans spoke to including verbiage that these positions are recommended and provide a valuable background. Deputy Mayor Pro Tem Lambert spoke to considering those with past experience on the Chamber of Commerce, Economic Development Board and Community Relations Commission rather than current members. The Council concurred in directing Staff to make revisions to the ordinance and bringing it back for consideration.

Upon a motion made by Council Member Johnson, and seconded by Council Member Callison, the Council voted 8-0 to appoint Tino Trujillo as a member of the Plano Transition and Revitalization Commission subject to the ordinance changes.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, requested a town hall session be held prior to the May 5, 2005 Arts of Collin County meeting to allow for an open discussion. He stated that reports of 118 acres having been donated are false and spoke to monies spent on architectural rendering. Mr. Lagos spoke to the commercial developer wanting over twelve acres imbedded in the public facility to build a hotel/restaurant and other commercial development and questioned who will receive the sales tax. He spoke regarding the City’s projected share of operating and maintenance costs and informational material left in the Council Chambers.

Ida Gephart, citizen of the City, apologized for leaving promotional materials in the chambers and spoke in support of the arts in Plano and the opportunity for the arts hall even though it is outside of the City.

Maryanne Ferrari, citizen of the City, requested consideration at a future meeting of issues related to the employment of illegal aliens in the City and requested information regarding the success rate in locating them and turning them over to the Immigration and Naturalization Service. City Attorney Wetherbee recommended Ms. Ferrari contact Police Chief Rushin regarding enforcement efforts and stated that many of the issues being raised are federal.

CONSENT AGENDA

Upon the request of Council Member Dyer, Consent Agenda Item “J” was removed for individual consideration due to a possible conflict of interest.

Upon the request of Mayor Pro Tem Stahel and Council Member Stovall, Consent Agenda Items “C,” “D,” “F” and “G” were removed for individual consideration due to possible conflicts of interest.

Upon the request of Deputy Mayor Pro Tem Lambert, Consent Agenda Item “P” was removed for individual consideration.

Mayor Evans and Council Member Dyer advised that they would be stepping down on portions of Regular Agenda Item “4” due to possible conflicts of interest.

Council Member Dyer advised that he would be stepping down on Regular Agenda Item “11” due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

April 11, 2005

Approval of Expenditures

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of rental/lease of a DM 1000 digital mail system and ascent shipping system from 06/01/05 to 05/31/09 in the amount of \$56,364 from Pitney Bowes through a State of Texas contract, and authorizing the City Manager to execute all necessary documents. (State Contract 985-A4 and 985-A2) [Consent Agenda Item (B)]

To authorize purchase from existing contract of material testing services for Plano Parkway Extension (Los Rios Boulevard to 14th Street) in the amount of \$49,904 from Terracon Consultants, Inc. dba HBC/Terracon through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (Contract No. D021-05). [Consent Agenda Item (E)]

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve the terms and conditions of an engineering services contract by and between the City and Doyle Engineering Group, PLLC in the amount of \$106,370 for Erosion Control – Briarwood and authorizing the City Manager to execute all necessary documents. This agreement is for engineering design for the installation of erosion control measures in creek areas behind the following addresses: Woodpark Townhomes (2932 Tisinger Place), 3200 Rockbrook Drive, 3500 Rockbrook Drive, 1913 Briarcreek Lane, 2201 East 18th Street, Sewer Erosion Control – 2920 Newport Circle/1528 Idyllwild Drive. [Consent Agenda Item (H)]

To approve the terms and conditions of an engineering services contract by and between the City and Parsons Transportation Group, Inc. in the amount of \$60,857 for Preston at Legacy Intersection Improvements (TxDOT) and authorizing the City Manager to execute all necessary documents (B113-04). [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2005-4-19(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2005-4-20(R): To approve the terms and conditions of an agreement by and between the City of Plano and Kansas City Southern Railway Company for grade crossing signal rehabilitation at Ohio Drive in the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2005-4-21(R): To approve the terms and conditions of a Real Estate Contract by and between the City of Plano, Texas, and Huffines Plano Properties, L.P., for the sale of 1.913 acres of land located at the northwest corner of Plano Parkway and Coit Road in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2005-4-22: To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b) of the City of Plano Code of Ordinances to add a new Subsection “Premier Drive” that establishes the prima facie speed limit for motor vehicles operating along a portion of Premier Drive within the corporate limits of the City of Plano; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (N)]

Ordinance No. 2005-4-23: To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Subsection "Chase Oaks Boulevard" of the City of Plano Code of Ordinances, that establishes the prima facie speed limit for motor vehicles operating along Chase Oaks Boulevard within the corporate limits of the City of Plano; authorizing and directing the traffic engineer to cause placement of traffic control devices indicating the speed limit; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (O)]

Ordinance No. 2005-4-24: To revise Section 16-107(c), Ex Officio Members, of Article VI, Heritage Resource Preservation, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano, Texas to revise reference to ex officio members and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2005-4-25: To revise Section 2-337, Terms; Vacancies, of Article XIX, Animal Shelter Advisory Committee, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to remove reference to the number of terms that may expire in any one year; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2005-4-26: To revise Section 2-302, Terms of Office; Meetings; Compensation, of Article XVI, Self Sufficiency Committee, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to remove reference to the number of terms that may expire in any one year and to change the expiration date for terms of office from June 30 to October 31 of each year; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2005-4-27: To revise Section 2-157, Terms of Office; Compensation, of Article VII, Community Relations Commission, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to remove reference to the number of terms that may expire in any one year and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2005-4-28: To revise Section 15-26, Terms of Office of Members of Article II, Parks and Recreation Planning Board, of Chapter 15 of the Code of Ordinances of the City of Plano, Texas to change the expiration date for terms of office from September 30 to October 31 of each year; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (U)]

END OF CONSENT

Due to possible conflicts of interest, Mayor Pro Tem Stahel and Council Member Stovall stepped down from the bench on the following four items which were considered concurrently.

Approval of Purchase from Existing Contract/Agreement: To authorize the purchase of planning and design services in the amount of \$40,000 from Microsoft Consulting Services through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR#: DIR-BUSOP-180) [Consent Agenda Item (C)]

Approval of Purchase from Existing Contract/Agreement: To authorize the purchase of network infrastructure equipment in the amount of \$48,039 from Internetwork Experts through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR#: DIR-BUSOP-012) [Consent Agenda Item (D)]

Approval of Purchase from Existing Contract/Agreement: To authorize the purchase of Live Scan System in the amount of \$32,010 through a Collin County Purchasing Department contract, and authorizing the City Manager to execute all necessary documents (08117-04). [Consent Agenda Item (F)]

Approval of Purchase from Existing Contract/Agreement: To authorize purchase from existing contract to authorize the purchase of cabling and equipment for the W.O. Haggard Library Expansion in the amount of \$39,249 from Henkels & McCoy through a City of Plano contract, and authorizing the City Manager to execute all necessary documents (Contract No. C114-04) [Consent Agenda Item (G)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 6-0 to authorize the purchase of planning and design services in the amount of \$40,000 from Microsoft Consulting Services through the Department of Information Resources (DIR) Contract; authorize the purchase of network infrastructure equipment in the amount of \$48,039 from Internetwork Experts through the Department of Information Resources (DIR) Contract, authorize the purchase of Live Scan System in the amount of \$32,010 through a Collin County Purchasing Department contract; and authorize the purchase from existing contract to authorize the purchase of cabling and equipment for the W.O. Haggard Library Expansion in the amount of \$39,249 from Henkels & McCoy through a City of Plano contract.

Mayor Pro Tem Stahel and Council Member Stovall resumed their places on the bench.

Due to possible conflicts of interest, Council Member Dyer stepped down from the bench on the following item.

Approval of Change Order: - To Medical Center of Plano, increasing the contract by \$25,840 for the City of Plano Wellness Program, Change Order #1 (C006-03). [Consent Agenda Item (J)]

A motion was made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Johnson, to approve a change order to Medical Center of Plano, increasing the contract by \$25,840 for the City of Plano Wellness Program. The Council voted 6-1 with Mayor Pro Tem Stahel voting in opposition. The motion carried.

Council Member Dyer resumed his place on the bench.

Ordinance No. 2005-4-29: To abandon all right, title and interest of the City, in and to a portion of that certain variable width right-of-way called Spring Creek Parkway from Preston Road west approximately 1,476 feet, being situated in the Robert Benefield Survey, Abstract No. 99, which is located in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the city in a portion of such right-of-way to the abutting property owner, LSM Land Partners, L.P., to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (P)]

Director of Planning Jarrell responded to Deputy Mayor Pro Tem Lambert, stating that the Transportation Thoroughfare Plan denoting the removal of overpasses and including text addressing the potential for releasing right of way or keeping it is not yet available on the web, but should be later this week or next. City Engineer Upchurch responded to Deputy Mayor Pro Tem Lambert, stating that the standard right of way is being retained on Spring Creek Parkway with some addition on Preston Road. Mr. Upchurch advised that in cases where abutting property owners have dedicated right-of-way at no cost to the City, it has been the Council's practice to abandon it back at no cost when it is determined that it is no longer needed. He responded to Council Member Stovall that continuous flow intersections will fit within the standard right-of-way.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Stovall, the Council voted 8-0 to abandon all right, title and interest of the City, in and to a portion of that certain variable width right-of-way called Spring Creek Parkway from Preston Road west approximately 1,476 feet, being situated in the Robert Benefield Survey, Abstract No. 99, which is located in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the city in a portion of such right-of-way to the abutting property owner, LSM Land Partners, L.P., to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date; and further to adopt Ordinance No. 2005-4-29.

Public hearing and approval of disbursement of grant funds in the total amount of \$103,828 awarded through the Byrne Justice Assistance Grant Project for the purpose of purchasing equipment resources, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004. Under this Grant, the City of Plano will be the fiscal agent and will disburse funds to the City of McKinney and the Collin County Sheriff's Office as agreed upon in the Memorandum of Understanding signed by the three entities. [Regular Agenda Item (1)]

Chief Rushin advised the Council regarding the purpose areas in which the funds can be expended, spoke to the need to disburse funds amongst the Plano Police Department, McKinney Police Department and Collin County Sheriff's Office and stated that the intention is to spend the funds on seven radar guns and upgrading of the jail facility with digital video recording. He responded to Council Member Stovall regarding equipment to be purchased by Collin County and advised that it is required that the funds be shared among the entities.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stovall and seconded by Council Member Johnson, the Council voted 8-0 to disburse grant funds in the total amount of \$103,828 awarded through the Byrne Justice Assistance Grant Project for the purpose of purchasing equipment resources, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004.

Public Hearing and adoption of Resolution No. 2005-4-30(R) to adopt the 2005-2006 Action Plan, including the final statement of Community Development Block Grant and HOME Program Objectives and proposed use of funds for Program Year 2005-2006; and declaring an effective date. [Regular Agenda Item (2)]

Neighborhood Services Manager Buffington responded to Mayor Pro Tem Stahel regarding funding to provide academic and social counseling, stating that up until two years ago this function was paid for by the Plano Independent School District (PISD) who then became unable to fund it. He advised that the agency approached the City and that these are non-profit funds and not for PISD employees. Mr. Buffington spoke regarding the funding requested for the Samaritan Inn and stated that the pilot project recently approved is contingent on obtaining another grant and that it addresses the chronic homeless which is a different group of people than those in this request. Community Relations Commission Chair Stephenson advised that the Family Literacy Program does not involve a PISD salary, but is rather a non-profit position.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Resolution No. 2005-4-30(R) (cont'd)

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to adopt the 2005-2006 Action Plan, including the final statement of Community Development Block Grant and HOME Program Objectives and proposed use of funds for Program Year 2005-2006; and declaring an effective date; and further to adopt Resolution No. 2005-4-30(R).

Resolution No. 2005-4-31(R) to authorize the filing of applications for federal funds in an amount not to exceed \$1,938,431 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 8-0 to authorize the filing of applications for federal funds in an amount not to exceed \$1,938,431 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution No. 2005-4-31(R).

Resolution No. 2005-4-32(R) to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant Funds in the amount of \$540,727 and HOME Funds in the amount of \$261,254 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Dyer, the Council voted 8-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant Funds in the amount of \$540,727 and HOME Funds in the amount of \$261,254 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-4-32(R) with the exception of Hope's Door and Christ United Methodist Church.

Council Member Dyer stepped away from the bench due to a possible conflict of interest

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Stovall, the Council voted 7-0 to approve funding for Hope's Door.

Council Member Dyer resumed his place on the bench

Mayor Evans stepped away from the bench due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Callison, the Council voted 7-0 to approve funding for Christ United Methodist Church.

Mayor Evans resumed her place on the bench.

Public Hearing and adoption of Ordinance No. 2005-4-33 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 86 for a tax abatement consisting of an 8.833 acre tract of land located at 1001 Klein Road in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (5)]

Director of Finance McGrane advised the Council that the proposed business personal property and real property tax abatement will begin January 1, 2006 and continue through the year of 2015 and will be equal to fifty percent for ten years. He stated that the company anticipates having 35 full time jobs upon occupancy.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Dyer and seconded by Council Member Stovall, the Council voted 7-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 86 for a tax abatement consisting of an 8.833 acre tract of land located at 1001 Klein Road in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2005-4-33.

Resolution No. 2005-4-34(R) to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Argent Plano Realty LP, a Texas Limited Partnership and Creation Technologies Texas LP, a Texas Limited Partnership, and providing for a business personal property and real property tax abatement, located at 1001 Klein Road, Plano, Texas, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (6)]

Director of Finance McGrane advised that Creation Technologies Texas LP is an assembly business.

Resolution No. 2005-4-34(R) (cont'd)

Upon a motion made by Council Member Stovall and seconded by Council Member Callison, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Argent Plano Realty LP, a Texas Limited Partnership and Creation Technologies Texas LP, a Texas Limited Partnership, and providing for a business personal property and real property tax abatement, located at 1001 Klein Road, Plano, Texas, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-4-34(R).

Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano Park and known as Shawnee Park for an access easement to Plano Independent School District (PISD) and a drainage easement. [Regular Agenda Item (7)]

City Engineer Upchurch advised that this item represents a request from the Plano Independent School District (PISD) for a fire lane access and drainage easement off a portion of Shawnee Park. He spoke to the school's plans to relocate parking and provide access and advised that Staff has reviewed the plan and believes there is no feasible and prudent alternative to the use or taking of the park land as proposed by the project and that the project includes all reasonable planning to minimize harm to the park land resulting from the use or taking. He stated that the Parks and Recreation Planning Board recommended approval.

Mr. Upchurch responded to Mayor Pro Tem Stahel regarding the possible need for a traffic signal stating that these are typically warranted on an eight-hour day and that school peak time is only for two hours a day. He advised that Staff will evaluation the situation.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2005-4-35 to approve the use or taking of a portion of City of Plano Public Park Land, known as Shawnee Park for an access easement to PISD and a drainage easement; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date. [Regular Agenda Item (8)]

Upon a motion made by Council Member Dyer, and seconded by Deputy Mayor Pro Tem Lambert, the Council voted 8-0 to approve the use or taking of a portion of City of Plano Public Park Land, known as Shawnee Park for an access easement to PISD and a drainage easement; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2005-4-35.

Resolution No. 2005-4-36(R) to grant the use or taking of a portion of Shawnee Park for an access easement to PISD and a drainage easement being in the Daniel Rowlett Survey, Abstract No. 738 City of Plano, Collin County and authorizing the approval by the City Manager; and providing an effective date. [Regular Agenda Item (9)]

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to grant the use or taking of a portion of Shawnee Park for an access easement to PISD and a drainage easement being in the Daniel Rowlett Survey, Abstract No. 738 City of Plano, Collin County and authorizing the approval by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-4-36(R).

Public Hearing and adoption of Ordinance No. 2005-4-37 to vacate Ordinance No. 2005-2-27, thereby rescinding the zoning designation of Planned Development-Single-Family Residence-6 granted therein, and adopting this ordinance to correct a clerical error; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 33.0± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-3 (17.7± acres), Planned Development-242-Multifamily Residence-2 (13.1± acres) and Planned Development-243-Retail/General Office (2.2± acres) to Planned Development-154-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause; a severability clause, and an effective date. Zoning Case 2004-58 [Regular Agenda Item (10)]

Director of Planning Jarrell advised the Council that this item corrects a clerical error in assigning a planned development number to the Planned Development-Single-Family Residence-6 zoning granted.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stovall and seconded by Council Member Dyer, the Council voted 8-0 to vacate Ordinance No. 2005-2-27, thereby rescinding the zoning designation of Planned Development-Single-Family Residence-6 granted therein, and adopting this ordinance to correct a clerical error; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 33.0± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-3 (17.7± acres), Planned Development-242-Multifamily Residence-2 (13.1± acres) and Planned Development-243-Retail/General Office (2.2± acres) to Planned Development-154-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause; a severability clause, and an effective date; and further to adopt Ordinance No. 2005-4-37.

Due to a possible conflict of interest, Council Member Dyer stepped down from the bench on the following item and did not return to the bench.

Public Hearing and consideration of an appeal of the Planning and Zoning Commission's denial of Zoning Case 2005-05 – Request to rezone 22.5± acres located on the southeast corner of Parker Road and Preston Road from Agricultural (A) to Planned Development-Neighborhood Office (O-1) to allow for Retail and Bank, Savings and Loan, or Credit Union uses. Zoned Agricultural. Neighborhood. #43. [Regular Agenda Item (11)]

Director of Planning Jarrell advised the Council that the applicant has requested that the item be tabled for two weeks

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to table consideration of an appeal of the Planning and Zoning Commission's denial of Zoning Case 2005-05 for two weeks.

There being no further discussion, Mayor Evans adjourned the meeting at 8:40 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary